

AGENDA

**SPECIAL MEETING
BOARD OF COMMISSIONERS
315 WEST SECOND STREET
FRANKFORT, KY 40601
502/875-8500**

**DECEMBER 15, 2005
5:30 P.M. (EST)**

1. **INVOCATION**

Reverend Dawn Montgomery, First
Christian Church

**PLEDGE OF ALLEGIANCE
ROLL CALL**

John Hammond

MINUTES

November 28, 2005 Regular Meeting

MAYOR'S REPORT

2. **CEREMONIAL ITEMS**

2.1 Presentation of Area Development Fund check.

Background: The City applied for an Area Development Fund grant to purchase 38 new park benches and tables. Lora Littleton, Bluegrass Area Development District, will present the check to the City for \$7,080.

3. **ORDINANCES**

3.1 **SECOND READING:** An Ordinance amending Frankfort Code of Ordinances Chapter 150.05 in its entirety by amending Ordinance No. 14, 1999 Series, Ordinance No. 24, 2001 Series, Ordinance No. 19, 2003 Series, and Ordinance No. 24, 2003 Series being the Property Maintenance Code.

Purpose: The purpose of this ordinance amendment is to amend the Property Maintenance Code referenced in the Frankfort Code of Ordinances, chapter 150.05 as recommended by the Code Enforcement Task Force. Specific changes include adding a table of context, amending sections 101.6; 101.8; 104.2; 104.5; 105.3; 105.3.1; 105.3.2; 105.3.3; 105.8; 105.9; 105.10; 106.1; 106.2; 106.2.1; 106.2.2; 106.3; all of 107 –110; 201.3; 201.5; 202; all of 301-303; 304.5; 304.14; 304.18; 306.1; all of 402-405; all of 502-508; 702.3; 702.6; 702.11.1; and adding an index.

Background: On November 6, 2003, City Commission adopted an ordinance amending the Property Maintenance Code. This year a Code Enforcement Task Force Committee was appointed by the Commission to review and make recommendations concerning the Property Maintenance Code. On September 12, 2005, the Task Force presented its recommendations to the City Commission. On October 25, 2005, staff presented comments concerning the proposed amended Property Maintenance Code to the Code Enforcement Board for discussion and comments. The attached proposed Property Maintenance Code includes these collaborative recommendations.

This Ordinance had its First Reading November 28, 2005.

Recommendation: Approval

Attachments:

- Proposed Ordinance
- Summary of staff suggested amendments

- Proposed amended Property Maintenance Code
- PowerPoint given to CEB on October 25, 2005

Contact Person

Name: Gary Muller
 Title: Director of Planning and Building Codes
 Department: Planning and Building Codes
 Phone: (502) 352-2100
 E-mail: Gmuller@fewpb.com

- 3.2 **SECOND READING:** An Ordinance rezoning property identified as a 0.87 acre tract for property located at 114 & 118 Thompson Avenue off of Versailles Road and fronting on both Thompson Avenue and Greenhill Avenue. More specifically described as PVA map #074-43-06-013.00 & #074-43-06-017.00 from Professional Office (PO) and Residential C District (RC) to Commercial Highway (CH).

Purpose: Approval of the recommendation of approval by the Frankfort/Franklin County Planning Commission concerning a zone map amendment from Professional Office (PO) and Residential C District (RC) to Commercial Highway (CH) by Jerry B. Harris and Brenda S. Harris represented by Mr. John Baughman, attorney, for a 0.87 acre tract for property located at 114 & 118 Thompson Avenue off of Versailles Road and fronting on both Thompson Avenue and Greenhill Avenue. More specifically described as PVA map #074-43-06-013.00 & #074-43-06-017.00.

Background: KRS requires that a public hearing be held by the Planning Commission and that the Planning Commission's recommendation be forwarded to the Local Government (City Commission) for final approval or denial.

Should the City Commission desire to not follow the Planning Commission's recommendation, then the item must be tabled and a request for a verbatim transcript of the Planning Commission meeting, which must be obtained before the item can be heard by the City Commission. The City Commission will then be required to make their own findings of fact based on the verbatim transcript or hold its own public hearing and then make findings of fact.

On October 20, 2005, the Frankfort-Franklin County Planning Commission held a public hearing to consider a zone change request for this property. The public hearing was closed and the Planning Commission approved the staff report as the summary, approved the 7 findings of fact as indicated within the report and added one additional finding of fact recommended by Planning Commissioner Metcalf, and motioned to recommend approval of a zone map amendment from Professional Office (PO) and Residential C District (RC) to Commercial Highway (CH). The motion to recommend approval of the requested zone map amendment passed by a vote of 7-0, based on the testimony received, findings of fact #1, 2, 6, 7, & 8, and that the recommended zone map amendment is consistent with the adopted Comprehensive Plan (No public comments of opposition of this request was provided at the hearing).

This Ordinance had its First Reading November 28, 2005.

Recommendation: Approval

Attachments:

- Adopted Findings of Facts,
- Staff report reviewed by the Frankfort/Franklin County Planning Commission.
- Minutes from the October 20, 2005 meeting.

Contact Person

Name: Gary Muller
 Title: Director of Planning and Building Codes
 Department: Planning and Building Codes

Phone: (502) 352-2100
E-mail: Gmuller@fewpb.com

- 3.3 **SECOND READING:** An Ordinance rezoning property identified as lot 5A of the Ridgeview Estates Subdivision located on Ridgeview Drive from Professional Office (PO) to High-Density Multi-Family Residential (RH). More specifically described as PVA map #073-40-02-041.00.

Purpose: Approval of the recommendation of approval by the Frankfort/Franklin County Planning Commission concerning a zone map amendment by KHW LLC, for a .32-acre parcel of property identified as lot 5A of the Ridgeview Estates Subdivision located on Ridgeview Drive from Professional Office (PO) to High-Density Multi-Family Residential (RH). More specifically described as PVA map #073-40-02-041.00.

Background: KRS requires that a public hearing be held by the Planning Commission and that the Planning Commission's recommendation be forwarded to the Local Government (City Commission) for final approval or denial.

Should the City Commission desire to not follow the Planning Commission's recommendation, then the item must be tabled and a request for a verbatim transcript of the Planning Commission meeting, which must be obtained before the item can be heard by the City Commission. The City Commission will then be required to make their own findings of fact based on the verbatim transcript or hold its own public hearing and then make findings of fact.

On September 1, 2005, the Frankfort-Franklin County Planning Commission held a public hearing to consider a zone change request for this property. The public hearing was closed and the Planning Commission tabled the item for the preparation of the summary.

On October 20, 2005, the Planning Commission removed the item from the table, approved the summary, approved and adopted the 9 findings of fact as indicated within the report, and moved to recommend approval of a zone map amendment from Professional Office (PO) to High-Density Multi-Family Residential (RH) based on the 9 findings of fact. The motion to recommend approval of the requested zone map amendment passed by a vote of 7-0, based on the testimony received, findings of fact, and that the recommended zone map amendment is consistent with the adopted Comprehensive Plan.

This Ordinance had its First Reading November 28, 2005.

Recommendation: Approval

Attachments:

- Adopted Findings of Facts
- Staff report reviewed by the Frankfort/Franklin County Planning Commission
- Minutes from the October 20, 2005 meeting.

Contact Person

Name: Gary Muller
Title: Director of Planning and Building Codes
Department: Planning and Building Codes
Phone: (502) 352-2100
E-mail: Gmuller@fewpb.com

- 3.4 **SECOND READING:** An Ordinance amending Chapter 52 of the Frankfort Code of Ordinances concerning sewers by setting a fee for the installation of cleanout vaults, revising the refund policy, revising the width of sewer easements to be granted the City, authorizing agreements for billing and

collection, incorporating food service establishments into the industrial pretreatment program, making the requirements of the ordinance consistent with the City's KPDES permit and revising the penalty provisions (Sewer Department).

Purpose: To amend portions of Chapter 52 of the City of Frankfort, Kentucky Code of Ordinances concerning sewers by setting a fee for the installation of cleanout vaults, revising the refund policy, revising the width of sewer easements to be granted the City, authorizing agreements for billing and collection, incorporating food service establishments into the industrial pretreatment program, making the requirements of the ordinance consistent with the City's KPDES permit and revising the penalty provisions.

Background: The Sewer Task Force recommended in April 2005 that a Fats Oil and Grease (FOG) Program be implemented by the Sewer Department. The Department has hired a Laboratory Assistant to oversee the program and is currently working on program implementation. The proposed changes define Food Service Establishments and bring them into the Industrial Pretreatment Program.

Financial Analysis: Approval of this ordinance will create a FOG Program that will have a positive impact on the operations of the collection system. The fees generated under the Industrial Pretreatment Program should fund the administration of the FOG Program.

This Ordinance had its First Reading November 28, 2005.

Recommendation: Approval

Attachments:

- Ordinance
- Memo to City Manager Identifying Revisions to Ordinance

Contact Person

Name: William R. Scalf, Jr., PE
Title: Director
Department: Sewer
Phone: 875-2448
Email: wscalf@fewpb.com

3.5 FIRST READING: An Ordinance amending Ordinance No. 8, 2005 Series, regulating illicit discharge controls

Purpose: To amend the Illicit Discharge Ordinance that was adopted by the City of Frankfort in April 2005.

Background: The U.S. Environmental Protection Agency (EPA) developed the National Pollution Discharge Elimination System (NPDES) stormwater permitting program as part of the 1972 Clean Water Act. Under the Phase II Stormwater Program authorized by the Act, the City of Frankfort and the Franklin County Fiscal Court are required to adopt the following stormwater ordinances:

1. Erosion Protection and Sediment Control
2. Illicit Discharge
3. Post Construction Stormwater Management

The City of Frankfort adopted the Ordinances in April 2005. The Illicit Discharge Ordinance prohibits sanitary sewer, pollutants, and hazardous substances from entering the separated storm system or waters of the Commonwealth. If a violation is discovered, the city shall provide a written notice of violation. The notice of violation to the responsible party is subject to the Enforcement Section (Section 8) of the Illicit Discharge Ordinance. If the violator fails to remediate the violation within the established

deadline, the remediation work will be done by the city or its designated contractor and the cost shall be charged to the violator.

Staff recommends removing the appeals process in Section 8 through the Code Enforcement Board. The revised Ordinance would still allow the violator to appeal the abatement cost through the Board of Commissioners and ultimately to the Franklin Circuit Court.

Financial Analysis: Funds for implementation of the Phase II Permit are available in the Public Works Advisory Technical Budget (Account#100.61.53210). However, it should be noted that funding options to finance the un-funded Phase II Stormwater mandate will be presented to the Board at a later date.

Recommendation: Approval

Attachments:

- Ordinance

Contact Person

Name: Jeff Hackbart
Title: Director of Public Works
Department: Public Works
Phone: 352-2091
E-Mail: jhackbrt@fewpb.com

4. **ORDERS**
None

5. **RESOLUTIONS**
None

6. **CONSENT CALENDAR**

Items on the Consent Calendar are considered to be routine by the Board of Commissioners and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Board member so requests, in which event the item will be removed from the Consent Calendar and considered separately. The City Manager will read the items recommended for approval.

- 6.1 To consider authorizing an Agreement for Joint Revision to Regional Facilities Plan between City of Frankfort and Farmdale Sanitation District for the service area of the Farmdale Sanitation District. (Sewer Department).

Purpose: The purpose of this item is to consider approval of an Agreement for Joint Revision to Regional Facilities Plan Between City of Frankfort and Farmdale Sanitation District for the Service Area of the Farmdale Sanitation District.

Background: The Sewer Department programmed funding in the current Fiscal Year to hire a consultant to prepare a master plan for sewerage portions the county south of I-64 bordered roughly by US 127 to the east and the Franklin/Shelby county line to west. Farmdale Sanitation District has hired HMB Engineers to prepare a similar study for their service area as part of an update of the current Facilities Plan. Approval of this agreement will allow both the Farmdale Sanitation District and the Frankfort Sewer Department to join resources and prepare a document that satisfies both entities at a reduced cost. The City Attorney has reviewed the Agreement.

Financial Analysis: Funds are available in account 300.68.56550.

Recommendation: Approval

Attachments:

- Copy of Agreement

Contact Person

Name: William R. Scalf, Jr., PE
Title: Director
Department: Sewer
Phone: 875-2448
Email: wscalf@fewpb.com

6.2 To consider authorizing approval of easements to Leestown Partners, LTD.

Purpose: To authorize the granting of easements to Leestown Partners, LTD>

Background: In 1993, Ken Thompson, the Manager of the City of Frankfort, forwarded a letter to Leestown Partners, LTD., advising it that the City would provide an easement for an access lane to connect the Leestown Square property and Lewis Ferry Road. The City indicated that there would be no delay in granting the curb cut and city staff will coordinate with the Corps of Engineers on any matters pertaining to crossing the flood control facility. The City inadvertently failed to grant Leestown Partners the agreed upon easement at that time.

The attached Access Easement and Spillway and Drainage Easement were prepared and forwarded for the City's review and execution. After review by the Department of Public Works, the Sewer Department and the City Solicitor, the Access Easement and Spillway and Drainage Easement were revised, finalized and signed by the Mayor in order to meet a deadline imposed upon Leestown Partners, LTD. The relevant documents are for review by the City Commission.

Recommendation: Approval

Attachments:

- Letter from City Solicitor Rob Moore
- Spillway and Drainage Easement
- Access Easement

Contact Person:

Name: Rob Moore
Title: City Solicitor
Department:
Phone: 502/227-2271
E-Mail: Rmoore@hazelcox.com

6.3 To consider authorizing bids for restroom renovation at Cove Spring Park and East Frankfort Park, and renovate the concession building at Paul Weddle Stadium (Parks and Recreation).

Purpose: The purpose of this item is to authorize renovation, including handicap accessibility, of two (2) restrooms at East Frankfort Park, construction of a new restroom building at Cove Spring Park, construction of a new restroom and storage building, and renovation of the concession building at Paul Weddle Stadium.

Background: The restrooms at East Frankfort Park shelters are 34 years old and are not handicap accessible. There are no restroom facilities at Cove Spring or Paul Weddle Stadium (uses portable toilets), and the concession building at Paul Weddle Stadium is not up to health department regulations.

Financial Analysis: (Cost Estimates)

- Cove Spring Restroom \$39,000
Account No. 100.87.56550 - \$ 4,000

Account No. 100.87.55465 - \$35,000

- East Frankfort Restroom Renovations \$20,000
Account No. 100.80.56550 - \$20,000
(Ballfield Lights - Will seek permission to bid this item if bids come in okay, to take from lights).
- Paul Weddle Restroom/Storage \$59,600
Account No. 100.80.56550 - \$55,000 (Concession/Restrooms – PW Stadium)
Account No. 100.80.56550 - \$ 4,600 (Park Improvements)
- Paul Weddle Concession Renovation \$23,000
Account No. 100.80.56550 - \$ 3,200 (Building Repairs)
Account No. 100.80.56550 - \$19,800 (Park Improvements)

Total cost for renovations is estimated to be \$141,600.

Recommendation: Approval

Attachments: None

Contact Person:

Name: Steve Brooks
Title: Director
Department: Parks & Recreation
Phone: (502) 875-8575
E-Mail: SBrooks@fewpb.com

- 6.4 To consider a Sewer Extension Contract with William S. May, Member, Foxley Lane Developers, LLC for property located at 60 Foxley Lane, Franklin County, Kentucky known as Foxley Lane Townhomes (Sewer Department).

Purpose: To approve a sewer extension contract with owner of Foxley Lane Townhomes located at 60 Foxley Lane, Franklin County, Kentucky, which is zoned for residential development of 8 lots, with improvements including 2 new manholes and 280 feet of 8-inch SDR 35 pipe serving lot numbers 1, 2, 3, 4, 5, 6, 7, and 8.

Background: Prior to acceptance of discharge from a development into the municipal sanitary sewer and acceptance of the development's collection by the Department, a contract must be entered into between the developer and the City of Frankfort.

William S. May, Member, has signed the contract. Sanitary sewer plans and specifications have been prepared and submitted to the Department for review and approval. The Division of Water has approved the sanitary sewer plans and specifications. Final acceptance is contingent upon completion of the 30-day waiting period for testing after construction is completed.

Recommendation: Approval

Attachments:

- Sanitary Sewer Extension Contract

Contact Person

Name: William R. Scalf, Jr., P.E.
Title: Director
Department: Sewer
Phone: 875-2448

Email: wscalf@fewpb.com

- 6.5 To consider a Sewer Extension Contract with Graydon S. Patterson, President, Versailles Properties, Inc. for property located at Weehawken Lane, Franklin County, Kentucky (Sewer Department).

Purpose: To approve a sewer extension contract with owner of Weehawken Lane, Franklin County, Kentucky, which is zoned for residential development of 3 lots, with improvements including 3 new manholes and 650 feet of 8-inch SDR 35 pipe serving lot numbers 6, 7, and 8.

Background: Prior to acceptance of discharge from a development into the municipal sanitary sewer and acceptance of the development's collection by the Department, a contract must be entered into between the developer and the City of Frankfort.

Graydon S. Patterson, President, has signed the contract. Sanitary sewer plans and specifications have been prepared and submitted to the Department for review and approval. The Division of Water has approved the sanitary sewer plans and specifications. Final acceptance is contingent upon completion of the 30-day waiting period for testing after construction is completed.

Recommendation: Approval

Attachments:

- Sanitary Sewer Extension Contract

Contact Person

Name: William R. Scalf, Jr., P.E.
Title: Director
Department: Sewer
Phone: 875-2448
Email: wscalf@fewpb.com

- 6.6 To consider a Sewer Extension Contract with Jerry Lunsford, 21st Century Design, Inc. for property located at 118 Cardwell Lane, Franklin County, Kentucky (Sewer Department).

Purpose: To approve a sewer extension contract with owner of 118 Cardwell Lane, Franklin County, Kentucky, which is zoned for residential development of 1 lot and will make improvements to the sewer system serving said lot, including the installation of a grinder pump and the sewer lateral to the sewer main. Additionally, the Developer will install approximately 230 feet of 8-inch SDR 35 pipe that will provide sewer service to 118 Cardwell Lane.

Background: Prior to acceptance of discharge from a development into the municipal sanitary sewer and acceptance of the development's collection by the Department, a contract must be entered into between the developer and the City of Frankfort.

Jerry Lunsford, President, has signed the contract. Sanitary sewer plans and specifications have been prepared and submitted to the Department for review and approval. The Division of Water has approved the sanitary sewer plans and specifications. Final acceptance is contingent upon completion of the 30-day waiting period for testing after construction is completed.

Recommendation: Approval

Attachments: Sanitary Sewer Extension Contract

Contact Person

Name: William R. Scalf, Jr., P.E.
Title: Director
Department: Sewer

Phone: 875-2448
Email: wscaif@fewpb.com

- 6.7 To consider authorizing revisions to the Codell Construction Management Contract for the proposed Public Safety Building.

Purpose: To approve revisions to the previously approved Standard Form Agreement between the City of Frankfort and Codell Construction for the performance of construction management services, reflecting an estimated Public Safety Building construction cost of \$10,000,000.

Background: The previously approved Standard Form Agreement between the City of Frankfort and Codell Construction for the performance of services as Construction Manager has been revised to reflect the estimated cost to construct the Public Safety Building of \$10,000,000. Specific changes include:

- 1) Paragraph 13.2.1 of the contract was revised to reflect that the cost of the pre-construction phase services is \$37,000 instead of \$39,000, and the cost of the construction phase services is \$333,000 instead of \$351,000;
- 2) The addendum was revised to reflect the above-described decrease in the cost of the pre-construction phase services and the construction phase services;
- 3) The addendum was revised to state that the cost to the City shall be reduced by the amount of \$10,000 for each full month the period of construction is less than 18 months and the cost to the City shall be increased by the amount of \$10,000 for each full month the period of construction exceeds 18 months; and,
- 4) The addendum was revised to state that if the total construction cost exceeds \$10,000,000, the compensation to Codell Construction is to be calculated as set forth in the Construction Manager Fee guidelines of the Department of Education.

Recommendation: Approval

Attachments:

- Letter from Rob Moore
- Revised contract

Contact Person:

Name: Rob Moore
Title: City Solicitor
Department:
Phone: 502/227-2271
E-Mail: Rmoore@hazelcox.com

- 6.8 To consider approval of a contract between the City and PlanGraphics, Inc. for Information Technology Strategic Planning (City Manager).

Purpose: To approve a contract with PlanGraphics, Inc. to undertake an Information Technology Planning Process for the City.

Background: PlanGraphics, Inc. submitted a proposal to the City Manager outlining an Information Technology and Assessment and Strategic Planning process for Frankfort city government. PlanGraphics has worked extensively with state and local governments in developing effective technology systems.

The proposal involves four (4) tasks:

- 1) Education and Project Initiation
- 2) Information Gathering
- 3) Needs Assessment
- 4) IT Strategic Implementation Plan

The proposal also includes a task for Project Management once the Strategic Plan has been completed.

Financial Analysis: Cost is estimated at \$39,500. Funds are available in Account No. 100.95.53295, Reserve for Contingency. This is a cost that will benefit all aspects of city government and be shared by all departments.

Recommendation: Approval

Attachments:

- Contract (to be provided when available)

Contact Person:

Name: Tony Massey
Title: City Manager
Department: City Manager
Phone: 502/875-8500
E-Mail: Amassey@fewpb.com

6.9 Personnel

<u>Personnel Action</u>	<u>Employee</u>	<u>Department</u>	<u>Effective Date</u>	<u>Other</u>
Appointment	William G. King	Police	1-3-06	Patrol Officer I
	Eric L. Brooker	Public Works	1-3-06	Staff Engineer
	Greg Owens	Planning & Building Codes	1-3-05	Code Enforcement Inspector
Retirement	Robert Martin	Fire Department	12-31-05	Authorize payment of all accrued vacation, holiday, and comp time.
	Rickey Williams	Fire Department	12-31-05	Authorize payment of all accrued vacation, holiday, and comp time.
Resignation	Johnny D. Ballinger	Sewer Department	12-2-05	Authorize payment of all accrued vacation, & holiday time.

Attachments:

- Retirement letter – Robert Martin
- Retirement letter – Rickey Williams
- Resignation letter – Johnny D. Ballinger

7. BOARD APPOINTMENTS

7.1 Capital City Museum Board:

- Reappointment of Mary Ann Bogart, 3-year term ending 12-31-08.
- Reappointment of Gippy Graham, 3-year term ending 12-31-08.
- Appointment of Winona Fletcher, 3-year term ending 12-31-08.

7.2 Frankfort/Franklin County Joint Planning Commission

- Appointment of Patti Cross to complete term of Marshall Flynn, ending 7-1-07.

Attachments:

- Letters of recommendation from Mayor May
- Memorandum from Museum Board
- Patti Cross Resume

8. OLD BUSINESS

9. NEW BUSINESS
10. CITIZEN COMMENTS (Non-agenda items)
11. CAOMMISSIONER COMMENTS
12. ADJOURNMENT